Regular Session, 2010

ACT No. 728

HOUSE BILL NO. 1028

BY REPRESENTATIVE WADDELL

1	AN ACT
2	To amend and reenact R.S. 37:563(6), 572(B) and(D), 573(B), 574(B), 575(A)(1)(a),
3	576(B), 578, 583(C), 585(B)(3), 591(A), 594(B)(introductory paragraph) and (5),
4	and 595(A)(3) and (4) and to repeal R.S. 37:591(B)(6), relative to the Louisiana
5	Cosmetology Board; to change the definition of "esthetics"; to expand eligibility for
6	board membership; to clarify the qualifications of board members; to provide for
7	committees within the board; to clarify quorum of the board; to provide for a testing
8	center; to provide for a salary of the executive director of the board; to provide for
9	qualifications of a registered teacher of cosmetology, esthetics, or manicuring; to
10	provide for liability insurance on beauty shops or salons; to provide for changes to
11	the application for school certificate of registration; to provide for changes to
12	requirements of schools; and to provide for related matters.
13	Be it enacted by the Legislature of Louisiana:
14	Section 1. R.S. 37:563(6), 572(B) and(D), 573(B), 574(B), 575(A)(1)(a), 576(B),
15	578, 583(C), 585(B)(3), 591(A), 594(B)(introductory paragraph) and (5), and 595(A)(3) and
16	(4) are hereby amended and reenacted to read as follows:
17	§563. Definitions
18	As used in this Chapter, the following words shall have the meaning herein
19	ascribed to them, unless the content clearly otherwise indicates:
20	* * *

HB NO. 1028 ENROLLED

1	(6) "Esthetics" means engaging in any one or a combination of the following
2	practices: massaging the face or neck of a person, trimming eyebrows, dying
3	eyelashes or eyebrows, or hair removal by cosmetic preparations, threading, waxing,
4	or other similar means, stimulating, cleansing, or beautifying the face, neck, arms,
5	bust, upper body, legs, or feet of a person by any method with the aid of the hands
6	or of any mechanical or electrical apparatus, including micro-dermabrasion,
7	epidermabrasion, or particle exfoliation using equipment and methodology approved
8	by the board or by the use of a cosmetic preparation. However,: however, esthetics
9	shall not include the diagnosis, treatment, or therapy of any dermatological
10	condition, or the process of removing hair known as "electrolysis".
11	* * *
12	§572. Qualifications of board members; recusal from certain transactions
13	* * *
14	B. Each member shall be a registered cosmetologist who has been actively
15	engaged, for at least five years prior to his appointment, in the practice of
16	cosmetology, or an owner of a beauty shop or salon certified pursuant to R.S. 37:591,
17	or as a teacher or instructor of cosmetology in this state.
18	* * *
19	D. No more than two four board members shall be connected directly or
20	indirectly with the ownership of a school of cosmetology. "Connected" shall mean
21	having an ownership interest, being employed by or having a contract with a school,
22	or having an immediate family member who has an ownership interest in a school.
23	* * *
24	§573. Compensation and expenses of board members
25	* * *
26	B. Each board member shall receive compensation for attendance at
27	meetings, hearings, or any other duties of the board in the form of a per diem in the

meetings, hearings, or any other duties of the board in the form of a per diem in the amount established in R.S. 37:599. No board member shall receive a per diem for more than eight days per month; however, the chairman shall may appoint an

28

29

HB NO. 1028	ENROLLED

1	executive a committee consisting of no more than three members of the board, who
2	shall receive a per diem for no more than fifteen days per month.
3	* * *
4	§574. Organization of board; meetings; quorum
5	* * *
6	B. A majority of the members of the board physically present at a board
7	meeting shall constitute a quorum for the transaction of business. In case of a tie
8	vote, the absent members shall be polled by witnessed telephone communication.
9	§575. Powers and duties of the board
10	A. The board shall be responsible for the control and regulation of the
11	practice of cosmetology and shall do all of the following:
12	(1)(a) Maintain a permanent testing center to be located in East Baton Rouge
13	Parish. The center shall be equipped to accommodate both practical and theory
14	examinations and shall provide office space for board members and a conference
15	room.
16	* * *
17	§576. Executive director
18	* * *
19	B. The annual salary of the executive director shall be set by the board and
20	shall not exceed fifty thousand dollars shall not exceed seventy-five thousand dollars.
21	The executive director may be reimbursed for necessary expenses incurred in
22	carrying out his duties, with approval of the board and in accordance with state travel
23	regulations.
24	* * *
25	§578. Cosmetologists' Board Fund
26	At least monthly, all All monies received by the board shall be turned over
27	to the state treasurer. Such monies shall be deposited in a separate account within
28	the state treasury to be known as the "Cosmetologists' Board Fund". The monies in

	HB NO. 1028 ENROLLED
1	the fund shall be used for no other purpose except to pay the expenses and salaries
2	for operation of the board.
3	* * *
4	§583. Qualifications for certificate as a registered teacher; continuing education
5	* * *
6	C. In addition to the requirements set forth in Subsection B of this Section
7	a person shall also meet the following requirements in order to obtain a certificate
8	of registration as a registered teacher of cosmetology, esthetics, or manicuring:
9	(1) To obtain a certificate as a registered teacher of cosmetology, a persor
10	shall possess a cosmetology certificate, have been actively engaged in the practice
11	of cosmetology for at least twelve months prior to beginning the instructor's course
12	and have successfully passed the examination prescribed by the board for
13	certification as a teacher of cosmetology.
14	(2) To obtain a certificate as a registered teacher of esthetics, a person shall
15	possess an esthetics or cosmetology certificate, have been actively engaged in the
16	practice of esthetics for at least twelve months prior to beginning the instructor's
17	course, and have successfully passed the examination prescribed by the board for
18	certification as a teacher of esthetics.
19	(3) To obtain a certificate as a registered teacher of manicuring, a person
20	shall possess a manicuring or cosmetology certificate, have been actively engaged
21	in the practice of manicuring for at least twelve months prior to beginning the
22	instructor's course, and have successfully passed the examination prescribed by the
23	board for certification as a teacher of manicuring.
24	* * *
25	§585. Examination team
26	* * *

Page 4 of 6

cosmetologists who fulfill the following requirements:

B. The examination team shall be composed of no more than six registered

27

28

29

HB NO. 1028 ENROLLED

1	(3) Are not connected either directly or indirectly with ownership of a
2	registered school in the state. "Connected" shall mean having an ownership interest,
3	being employed by or having a contract with a school, or having an immediate
4	family member who has an ownership interest in a school.
5	* * *
6	§591. Requirements for certification as a beauty shop or salon
7	A. No person or entity shall operate a beauty shop or salon in the state of
8	Louisiana without a certificate of registration issued by the board.
9	* * *
10	§594. Application for school certificate of registration; change of location; change
11	of ownership
12	* * *
13	B. Any At least thirty days prior to the board meeting, any person desiring
14	to operate a cosmetology school shall:
15	* * *
16	(5) Submit a detailed floor plan <u>certified by an architect or engineer</u> drawn
17	to scale, including the arrangement of classrooms, placement of equipment, electrical
18	outlets, ventilation equipment, plumbing and lighting, the locations of all outside
19	entrances and exits, and the square footage for each area.
20	* * *
21	§595. Requirements for schools
22	A. All schools registered by the board shall do the following:
23	* * *
24	(3) Be supervised by a registered teacher of cosmetology in active practice,
25	with at least eighteen twenty-four months of teaching experience in an accredited
26	school of cosmetology approved by the board.

1	(4) Employ as at least two instructors, persons who are teachers registered
2	by the board, at least one of whom shall have been a registered teacher and in active
3	practice for at least eighteen months.
4	* * *
5	Section 2. R.S. 37:591(B)(6) is hereby repealed in its entirety.
	SPEAKER OF THE HOUSE OF REPRESENTATIVES
	PRESIDENT OF THE SENATE
	GOVERNOR OF THE STATE OF LOUISIANA

ENROLLED

HB NO. 1028

APPROVED: